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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,315	11/16/2000	Sharon Greener	3499-91	6479
27383	7590	09/08/2004	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			SNAPP, SANDRA S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/714,315	GREENER ET AL. <i>J</i>
	Examiner	Art Unit
	Sandra Snapp	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 15-35,45-51 and 53-59 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14,36-44, 52 and 60-63 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

Response to Amendment

This Office Action is in response to the Amendment filed 5-26-04. Currently originally filed claims 1-14, 36-44 and 52 remain in the application, in addition, newly filed claims 60-63 are also pending. Claims 15-35, 45—51 and 53-59 have been cancelled.

The Examiner acknowledges and has entered the various amendments to the specification.

Claim Objections

The objection of claims 7, 35, 41 and 44 is herein withdrawn in view of the Amendment filed 5-26-04.

Claim Rejections - 35 USC § 112

The rejection of claims 3, 8, 9, 37, 39 and 43 under 35 U.S.C. 112, second paragraph, as being indefinite has been successfully overcome with the amendment filed 5-26-04.

Claim Rejections - 35 USC § 101

The rejection of claims 1-14, 42-44 and 52 under 35 U.S.C. 101 has been successfully overcome and is herein withdrawn in view of the Amendment of 5-26-04.

Claim Rejections - 35 USC § 102

Claims 1-14, 35-44 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by the Boesch et al. patent (US 5,897,621).

With regard to claims 1-14, 60 and 62, the Boesch patent discloses a computer-implemented method and the associated computer system for providing pricing for a transaction, the method comprising:

Receiving into a computer storage, digital data descriptive of an amount of a first currency relating to a price of a deliverable involved in a transaction (col. 7, lines 25-34), determining with a processor operative with executable software, a cost for credit to be extended to a buyer, wherein the credit is extended based upon one or more transaction factors (col. 9, lines 11-39), calculating with a processor, a cost for exchange of the first currency to a second currency, wherein the cost of exchange is based upon one or more transaction factors, and is effective for a predetermined period of time (col. 8, lines 49-58), and calculating with a processor, an aggregate a price for the deliverable, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable (col. 9, lines 11-39) (claims 1 and 35);

Transmitting via a transmission medium and a communications network, the calculated price to a participant network access device associated with a participant in the transaction (col. 8, lines 12-38) (claims 2 and 36);

Transmitting to the network access device associated with the participant in the transaction via the transmission medium, a detail of the price wherein the detail is comprised of the cost of credit, the cost for exchange of currency and the amount if first currency relating to the price of the deliverable (col. 8, lines 12-38) (claims 3 and 37);

Discounting within the processor, the cost of exchange of currency according to a volume discount term relating to a notional volume associated with a participant in the transaction (col. 8, lines 54-58) (claims 4 and 38);

The aggregate notional volume is calculated on a periodic basis (col. 8, lines 65-67) (claim 5);

Discounting within the processor, the cost of exchange of currency according to a volume discount term relating to an aggregate number of transactions associated with a participant in the transaction (col. 8, lines 54-58) (claim 6);

Discounting within the processor, the cost of exchange of currency according to a discount term relating to a payment history associated with the participant of the transaction (col. 8, lines 54-58 and col. 9, line 53 through col. 10, line 8) (claim 7);

The amount of first currency received relating to the price of the deliverable is determined according to data comprising the identity of a participant involved in the transaction (col. 5, lines 23-36) (claim 8);

The cost for exchange of currency or credit is determined according to one or more transaction factors comprising at least one of the identity of a participant in the transaction, the deliverable, a projected volume of currency to be transacted, and a projected volume of the deliverable to be transacted (col. 5, lines 23-36) (claims 9, 39, 60 and 62);

The amount of first currency relating to the price of the deliverable is determined according to data comprising a transaction facilitator (col. 8, lines 24-39) (claims 10 and 40);

Processing with the processor, payment for the deliverable in the amount relating to the aggregate price of the deliverable (col. 8, lines 24-39) (claim 11);

Receiving via a transmission medium and communication network, notification of shipment of the deliverable prior to processing with the processor, payment for the deliverable (col. 4, lines 5-7) (claim 12);

Determining with the processor, an exchange price and tolerance parameter for the first currency; as the first currency relates to a base currency (col. 8, line 59 through col. 9, line 24), receiving into the computer storage, a spot price relating to a market price for exchange of the first currency, comparing the spot price with the tolerance parameter via the processor, and modifying with the processor, the exchange price if spot price exceeds the tolerance parameter (col. 8, line 59 through col. 9, line 24) (claim 13);

Entering into the computer storage, an exchange price to be utilized in calculating the cost of exchange of the first currency, wherein the exchange price relates to the first currency and the base currency (col. 8, line 59 through col. 9, line 24), entering into the computer storage, a predetermined time period for which the exchange price will remain valid (col. 4, line 66 through col. 5, line 8), determining with the processor, if the transaction will take place during the predetermined time period (col. 8, lines 59-67), and entering into the computer storage, an updated exchange price if the transaction will take place during a time other than the predetermined time period (col. 8, lines 59-67) (claim 14);

With regard to claim 41, the Boesch patent also discloses computer executable program code causing the computer to (computer info col. 5, lines 55-64, the program code is inherent in a system having a computer and the steps as presently claimed):

Receive digital data descriptive of an amount of a first currency relating to a price of a deliverable involved in a transaction (col. 7, lines 25-34), determine a cost for credit to be

extended to a buyer, wherein the credit is extended based upon one or more transaction factors (col. 9, lines 11-39), calculate a cost for exchange of the first currency to a second currency, wherein the cost of exchange is based upon one or more transaction factors, and is effective for a predetermined period of time (col. 8, lines 49-58), and calculate an aggregate price for the deliverable, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable (col. 9, lines 11-39) (claim 41).

With regard to claims 42-43, the Boesch patent discloses a method of interacting with a network access device so as to provide pricing information, the method comprising the steps of:

Causing with a processor operative with executable software, details of an online transaction involving a calculated price and detail of the calculated price to be transmitted via a transmission medium and a communications network, to a participant network access device (col. 8, lines 12-38), receiving into a computer storage, an amount of currency relating to a price of a deliverable involved in the transaction (col. 8, lines 12-38), and displaying on the network access device, the calculated price and detail of the calculated price related to the transaction, wherein the calculated price comprises an aggregate of a cost of credit extended in the transaction, a cost for exchange of currency in the transaction and the amount of currency relating to the price of the deliverable, and the detail comprises the cost of credit, the cost for exchange of currency and the amount of currency (col. 9, lines 11-39) (claim 42); and

Displaying on the network access device, multiple calculated prices and detail of the calculated prices related to the online transaction (col. 10, lines 39-64) (claim 43).

With regard to claim 44, the Boesch patent discloses a computer data signal embodied in a digital data stream comprising data including e-commerce details (computer info col. 5, lines 55-64), the data signal is inherent in a system having a computer and the method steps as presently claimed), wherein the computer data signal is generated by a method comprising:

Receiving into a computer storage, an amount of a first currency relating to a price of a deliverable (col. 7, lines 25-34), determining with a processor operative with executable software, a cost for credit to be extended a buyer, wherein the credit is extended based upon one or more transaction factors (col. 9, lines 11-39), calculating with the processor a cost for exchange of the first currency to a second currency, wherein the cost of exchange is based upon one or more transaction factors, and is effective for a predetermined period of time (col. 8, lines 49-58), and calculating with the processor, an aggregate price for the deliverable (col. 9, lines 11-39), wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable (claim 44).

With regard to claim 52, the Boesch patent discloses a method of interacting with a network access device so as to provide pricing for a transaction, the method comprising:

Identifying via the network access device, parties involved in a transaction (col. 5, lines 23-36), defining with a processor operative with executable software, a deliverable with a currency amount associated with the deliverable (col. 7, lines 25-34), and receiving into a computer storage, an aggregate price for the deliverable (col. 9, lines 11-39), wherein the aggregate price comprises an aggregate of a cost of credit extended in the transaction, a cost for

exchange of currency in the transaction and the currency amount associated with the price of the deliverable (claim 52).

With regard to claims 61 and 63, the Boesch patent discloses a computerized apparatus system to facilitate management of risk associated with conducting a transaction for a deliverable in multiple currencies, the computerized apparatus system comprising:

A host computer comprising a processor and a storage for digital data, and executable software stored on the host computer storage and executable on demand, the software operative with the host computer processor to cause the host computer to (Figs. 1 & 2, software is inherent in the computer system):

Store in the host computer storage digital data identifying a purveyor of deliverable (col. 3, line 50 through col. 4, line 32);

Store in the host computer storage digital data descriptive of a currency exchange price comprising a rate of exchange between a base currency and a foreign currency, wherein the currency exchange prices is effective for an amount of currency transacted in one or more transactions comprising a deliverable conveyed by the purveyor (col. 8, lines 49-58);

Receive into the host computer storage digital data descriptive of one or more executed transactions, wherein the digital data descriptive of the one or more executed transactions comprises an indication that the transaction involved the deliverable offered by the purveyor, and an amount of the foreign currency transacted (col. 7, lines 30-47);

Determine with the processor an amount of foreign currency to be exchanged according to the currency exchange price wherein the amount of foreign currency to be exchanged is based upon the amount of foreign currency transacted (col. 8, lines 49-58);

Calculate with the processor a cost for credit to be extended to a buyer of the deliverable wherein the credit is extended based upon one or more transaction factors (col. 9, lines 11-39);

Calculate with the processor a cost for exchange of the foreign currency transacted, wherein the cost of exchange is based upon one or more transaction factors, and is effective for a predetermined period of time (col. 8, lines 49-58); and

Calculate with the processor an aggregate price for the deliverable comprising an aggregate of the cost of credit, the cost for exchange of currency and the amount of foreign currency transacted (col. 9, lines 11-39) (claim 61); and

The operability of the software to calculate the cost for exchange of the foreign currency transacted includes operability of the software with the processor to cause the host computer to:

Indicate in the host computer storage a band of currency exchange price comprising one or more of: an upper currency exchange price tolerance parameter and a lower currency exchange price tolerance parameter, wherein each exchange price tolerance parameter relates to a rate of exchange between the base currency and the foreign currency and is based upon the deliverable conveyed by the purveyor (col. 9, lines 11-39);

Receive into the host computer storage digital data descriptive of a market spot price (col. 9, lines 1-39); and

Modify the currency exchange price stored in the host computer storage if the market spot price is not within the band of currency price (col. 9, lines 1-39) (claim 63).

Response to Arguments

The Applicant asserts that the Boesch patent does not disclose calculating, determining, displaying, receiving or transmitting the costs of extending credit or exchanging currency, nor does Boesch aggregate such values into a price of a deliverable in a foreign currency. The Examiner disagrees. Boesch states that the “determination process preferably includes converting the amount in the customer selected currency into an amount in the merchant accepted currency” which in essence calculates and determines the cost of the exchange currency. (Boesch, col. 8, lines 42-44). Such is displayed, received and transmitted via the computer system. Boesch also calculates and determines the cost of extending credit wherein it discusses ‘differentials’ as being based on creditworthiness of the users, and that it may be the acceptable deficit balance that the users are allowed to incur. (Boesch, col. 9, lines 11-39). Again, such information is displayed, received or transmitted via the computer system as disclosed. Since the Boesch patent does disclose all the elements of the present invention, it anticipates it and renders it unpatentable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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